

COMBINED DECLARATION FOR PATENT APPLICATION &
POWER OF ATTORNEY

DOCKET NO: 50623.132

As a below named inventor, I hereby declare that:

The information given herein is true;

My residence, post office address and citizenship are as stated below next to my name;
I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND
 JOINT INVENTOR (if plural names are listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT
 IS SOUGHT ON THE INVENTION ENTITLED:

A Medical Device Containing Light-Protected Therapeutic Agent and a Method for Fabrication Thereof

the specification of which (check only one item below):

- is attached hereto;
- was filed on _____ as United States
Application Serial No. _____
and was amended on _____ (if applicable).
- was filed on _____ as PCT International
Application Serial No. _____
and was amended under PCT Article 19 _____ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim the benefit under Title 35, United States, §119(e) of any United States provisional application(s) listed below.

(Application Serial No.)

(Filing Date)

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America having a filing date before that of the application(s) on which priority is claimed.

FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 (6 if a Design) MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION THE PRIORITY OF WHICH WHERE PERMITTED IS HEREBY CLAIMED UNDER 35 U.S.C. SEC. 119.

| COUNTRY | APPLICATION OF NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) | PRIORITY CLAIMED |
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

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| COMBINED DECLARATION FOR PATENT APPLICATION & POWER OF ATTORNEY - Continued | | | | ATTORNEY'S DOCKET NO: 50623.132 |
| U.S. APPLICATION NO. | U.S. FILING DATE | PATENTED | PENDING | ABANDONED |
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| PCT APPLICATIONS DESIGNATING THE U.S. | PCT FILING DATE | U.S. SERIAL NUMBERS | | |
| PCT APPLICATION NO. | | | | |
| <p>POWER OF ATTORNEY: As named Inventor, I hereby appoint the following attorney(s) and/or Agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.</p> <p>Marc A. Sockol, Reg. No. 40,123; Daryl C. Josephson, Reg. No. 37,365; Cameron Kerrigan, Reg. No. 44,826; Victoria Nicholson, Reg. No. 47,823; Paul Meyer, Reg. No. 47,791; David A. Levine, Reg. No. P-48,821; Victor Repkin, Reg. No. 45,039; Aaron Winingor, Reg. No. 45,229; Paul Durdik, Reg. No. 37,819; Fariba Sirjani, Reg. No. 47,947; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; Lori Howland, Reg. No. 42,611; David Koo, Reg. No. 46,839; David Rogers, Reg. No. 38,287; William Bachand, Reg. No. 34,980; Tim Kitchen, Reg. No. 41,900; Thomas A. Hassing, Reg. No. 38,159; Phillip Yip, Reg. No. 37,265</p> | | | | |
| Send correspondence to: Squire, Sanders & Dempsey LLP. One Maritime Plaza, Suite 300 San Francisco, CA 94111 | | | Direct Phone Call To: Cameron Kerrigan: 415 954-0323 | |
| 1 FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| Happ | | Dorie | M. | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | San Jose | California | USA | |
| POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| | 1134 Sherwood Ave. | San Jose | California | 95128 |
| 2 FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | | | | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | | | | |
| POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| | | | | |
| 3 FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | | | | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | | | | |
| POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| | | | | |
| 4 FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | | | | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
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| POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
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| <p>I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> | | | | |
| Signature Of Inventor 1 <i>Dorie Happ</i> | Signature Of Inventor 2 | | Signature Of Inventor 3 | Signature Of Inventor 4 |
| DATE 9/28/2001 | DATE | DATE | DATE | DATE |

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